

# TRADE ADJUSTMENT ASSISTANCE

The Trade Adjustment Assistance (TAA) program provides a path for employment growth and opportunity through aid to U.S. workers who have lost their jobs as a result of foreign trade. The TAA program seeks to provide trade-affected workers with opportunities to obtain the skills, resources, and support they need to become re-employed. Program eligibility, technical assistance, and oversight are provided by U.S. DOL Employment and Training Administration's Office of TAA.

TAA is not an entitlement program. To be eligible:

- Individuals must meet the criteria based on Entitlement Determination ([Form 40](#)).
- Individuals need to discuss the program with DLR staff to ensure they are part of an approved Certified Petition.

This is validated by:

- Verification of their employment with the company within the petition date range (pay stub, etc.), or
- Layoff letter or email from the company.

**Note:** *If an individual is located in another state but are part of a Certified Petition in South Dakota, they may choose to receive services in South Dakota or their home state. This also applies to someone living in, or who has relocated to, South Dakota and is part of a Certified Petition in another state.*

These individuals should enter a job service office immediately following the announcement of a lay-off.

Individuals are not eligible if they have:

- Quit their job,
- Been terminated for cause by their employer, OR
- Obtained suitable employment. **Suitable Employment** – Making 80 percent of previous wage and/or employed in a position with similar skill level of the job they were laid off from. 80 percent of income received from a part time job is not considered suitable

## CERTIFIED PETITION

A petition must be filed with U.S. DOL by or on behalf of a group of workers who have lost or may lose their jobs or experienced a reduction in wages as a result of foreign trade. If U.S. DOL grants the petition to certify the worker group, individual workers in the group may apply to DLR for TAA benefits and services. The petition is given a Petition Series TAW number. Benefits and services vary depending on the TAW number series. Services can include job training, job search and relocation allowances, income support, and assistance with healthcare premium costs.

## ENROLLMENT

TAA individuals must be enrolled in WIOA Title I and Wagner-Peyser. Co-enrollment of workers certified as eligible for TAA into WIOA allows for the timely and individualized career services and improves the effectiveness of the TAA Program. Barriers to service delivery to this population should be eliminated in order to maximize all the resources available in the One-Stop System (refer to [Active Resource Coordination Integrated Resource Teams](#) Policy 5.1). Co-enrollment allows for services and assistance even before becoming eligible for TAA. This allows individuals more time to consider all of the options available to them.

## SERVICES

TAA offers a variety of training opportunities and support services in order to gain suitable employment. As TAA and WIOA programs work together to serve the individual, financial services cannot be duplicated in more than one funding stream. If the needs of individual go beyond the services below, consider other [Support Services](#) Policy 5.34 through the Title I Dislocated Worker program.

**For example:** if TAA funding is providing gas for job search on May 1, 2019, the same gas cannot be paid for using other program funding. However, if TAA pays for gas for job searching on May 1, 2019, Dislocated Worker funding could purchase job interview clothing.

### ***Job Search Allowance***

Job search allowance will be paid out of TAA funding. This service is used for reimbursement for 90 percent of approved expenses while job searching that takes place 50 miles or greater from the participant's home address. This includes reimbursement for gas, lodging, and food and can only be considered if suitable employment is not available in the normal commuting area. The individual must request the reimbursement:

- Within 365 days of the certified date on the TAA petition or within 365 days of the date of separation (whichever is later); or
- 182 days after conclusion of approved training.

In order to request the reimbursement, complete the TAA Request for Job Search Allowance ([Form 44A](#)) **prior** to incurring expenses. There is a maximum reimbursable amount of \$1,250. If expense are below \$1,250, DLR can reimburse 90 percent of the lessor of:

- The total receipts (gas, meals, and lodging); Or
- The total calculated mileage, meal per diem, and lodging per diem (using federal rates for South Dakota for at <https://www.gsa.gov/travel/plan-book/per-diem-rates>
  - Calculate the **mileage reimbursement rate** using the formula: *Mileage x Federal Reimbursement Rate*.
  - Calculate food and lodging per diem based on number of days.

### ***Relocation Assistance***

Relocation is paid out of TAA funding. Reimbursement for approved costs of relocating for a new job more than 50 miles away from their current address (i.e. U-Haul and gas, moving company, etc...). Considered *only* if suitable employment is not available in the normal commuting area (less than 50 miles). The individual must request the reimbursement:

- Within 425 days of the certified date on the TAA petition or within 425 days of the date of separation (whichever is later); Or
- 182 days after the conclusion of approved training.

The individual can receive up to 90 percent of the reasonable and necessary expenses involved in moving (no maximum). In order to request Relocation Assistance:

1. Complete the Request for Relocation Allowance ([Form 43](#)) **prior** to relocation.
2. The participant must provide employment verification (email, letter, or call from employer)
3. A minimum of two bids from moving companies or cost of renting a moving truck (TAA does not cover insurance).

In addition to the allowed costs above, the Individual may be eligible to receive a one-time payment of up to a \$1,250 to alleviate other costs associated with relocation (i.e. deposit, rent, temporary housing waiting for lease to begin, etc...).

### ***Transportation and Subsistence While in Training***

Transportation while in training or Transportation and Subsistence while in training is only allowed when attending training full-time. Participants who do not permanently relocate for schooling and live outside the normal commuting area (50 miles one way) from their home address may qualify for TAA Transportation and Subsistence payments. Subsistence may take the form of assistance with food and lodging.

Participants who live within the commuting area (less than 50 miles one way) will not qualify for Transportation and subsistence through TAA. Complete TAA Request for Transportation and Subsistence Allowance ([Form 49](#)).

## TRAINING

Training services should be expected to lead to new employment. One training is allowed through TAA funding per participant (additional trainings could be allocated to Title I Dislocated Worker, Adult, etc...) if appropriate. There is not a maximum allocation to spend on training per TAA participant. Completed the TAA Request for Training ([Form 45](#)).

Training may be approved if:

- There is no suitable employment (within 50 miles from home address) available for an adversely affected worker; and
- The worker would benefit from approved training; and
- There is reasonable expectations of employment following completion of such training; and
- Approved training is reasonably available to the worker from either governmental agencies or private providers; and
- The worker is qualified to undertake and complete the training; and
- The training is suitable for the worker and available at a reasonable cost.

For the purpose of determining reasonable costs of training, the following elements shall be considered:

- Costs of a training program shall include tuition and related expenses (books, tools, and academic fees), travel or transportation expenses, and subsistence expenses;
- In determining whether the costs of a particular training program are reasonable, first consideration must be given to the lowest cost training which is available within the commuting area. When training, substantially similar in quality, content and results, is offered at more than one training provider, the lowest cost training shall be approved; and
- Training at facilities outside the worker's normal commuting area that involves transportation or subsistence costs which add substantially to the total costs shall not be approved if other appropriate training is available.

The two most common training services provided through TAA are On-the-Job Training and Occupational Skills Training. Registered Apprenticeship and other trainings can also be considered.

### ***On-the-Job Training***

Follow the [On-the-Job Training](#) Policy 5.28.

### ***Occupational Skills Training***

Follow the [Occupational Skills Training](#) (OST) Policy 5.27, but TAA training programs **do not** need to be on the Eligible Training Provider List (ETPL). Complete the TAA OST Cost Estimate ([Form 39](#)). Allowable OST expenses include:

- 100 percent of tuition fees, books and required equipment to successfully complete a program.
- Online classes (distance learning) if completed by a local accredited institution.
- Training to own a business (i.e. entrepreneurial class, QuickBooks, etc..)

Master's Degree programs may be considered. Contact the Labor Program Specialist for approval.

If more than one program is offered in South Dakota, DLR looks at the less expensive OST program provided in-state. The participant needs good reason for not attending a less expensive program within the state when it is offered. Document this justification in SDWORKS case notes.

Training programs must be directed to a specific occupation (example: Registered Nurse). Programs cannot be broad or general (example: Interdisciplinary studies).

A part-time OST is allowed; however, a participant must show they can complete their training within the designated weeks allowable under TAA. The designated weeks allowable includes time to complete remedial or High School Equivalency, etc.. (do not count holidays and school scheduled breaks). The number of weeks allowed is defined by the TAW number:

- 70,000 and above = 130 weeks allowed
- 50,000 to 69,999 = 104 weeks allowed

## RE-EMPLOYMENT TRADE ADJUSTMENT ASSISTANCE

Re-employment Trade Adjustment Assistance (RTAA) provides wage subsidies to TAA individuals who accept new employment at a lower wage, and are:

- Impacted by a petition with a TAW number greater than 70,000; and
- At least 50 years of age or older at the time of re-employment; and
- Re-employed making less than \$50,000 annually in gross wages; and
- Working full-time (36-40 hours per week), or if working part time, at least 20 hours per week, must be attending approved training; and
- Not re-employed with the firm where they were laid off.

If they are eligible, RTAA pays 50 percent of the difference between the wages at separation and wages in re-employment, with a maximum of \$10,000 paid over a period of up to two years. In order to receive RTAA, the individual must be enrolled in TAA for the duration of their benefits. RTAA individuals must register in SDWORKS and the Release of Information ([Form 1](#)), Equal Opportunity ([Form 2](#)), and One-Stop Partner Programs and Services List ([Form 3](#)) must be completed. Upload the completed forms to the TAA application SDWORKS. RTAA individuals do not need to be enrolled in WIOA Title I.

RTAA eligible individuals may:

- Be eligible to enroll in TAA approved training.
- Work part time (at least 20 hours per week) and participating in a TAA approved training program. Individuals in this situation could be eligible for RTAA and Trade Readjustment Allowance (TRA) *see below*.

## TRADE READJUSTMENT ALLOWANCE

The federal Trade Readjustment Allowance (TRA) is a form of income support for individuals who have exhausted Reemployment Assistance (RA) Benefits and those who have jobs directly affected by foreign imports determined by U.S. DOL. ***TRA is administered by the RA Division***, not the Workforce Training Division, however, the two work closely together.

Individuals are eligible to receive TRA payments if enrolled in a training program approved by the RA Division. Specific time frame limits apply to this benefit. Individuals must be enrolled full-time and:

- Enrolled in approved training 26 weeks after the certification date; or
- Enrolled 26 weeks after the last qualifying separation; or
- Issued a waiver for a delay in training by DLR.

Participants of TRA are required to submit a monthly progress report to the RA Division in order to receive continued TRA payments. Full-time enrollment is required in order to receive TRA.

### ***Waivers***

The training enrollment deadline for TRA may be waived only if enrollment in approved training is not feasible or appropriate for one or more of the following reasons:

- Individual is unable to participate in or complete training due to the health of the individual. (This does not exempt the worker from requirements relating to the availability for work, active work search or refusal to accept work under Federal or State Reemployment Assistance benefits laws).

- The first available enrollment date for approved training is within 60 days after the issued date of the waiver, or if later, there are extenuating circumstances for the delay in enrollment must be approved by the Labor Program Specialist.
- Training is not reasonably available, suitable training at a reasonable cost is not available, or training funds are not available.

Individuals must apply for and be issued a waiver at a local Department of Labor and Regulation office on or before 26 weeks after certification or qualifying separation date, whichever is later. Waivers are issued in writing and have an expiration date. Waivers are not valid for more than 6 months from the issue date. It is the responsibility of the individual to enroll in Trade approved training or obtain a written renewal of the waiver before the waiver expires or is otherwise revoked. The waiver must be reviewed 90 days after issuance, then every 30 days for the duration of the waiver.

If a waiver expires without renewal, the individual will lose eligibility for TRA benefits. If the basis of a waiver is no longer applicable (individual is in training or does not make contact with the Employment Specialist at intervals required to maintain the waiver), Employment Specialist will notify in writing that the waiver is revoked.

There must be a valid reason for granting, denying or revoking a waiver and be recorded in SDWORKS notes. The Labor Program Specialist will determine that there is good cause for issuing a waiver with respect to time limitations in regards to training enrollment and must consider South Dakota good cause and Federal good cause guidelines before waiving time limitations.

Good Cause provisions include that the individual

- Was ill
- Lacked transportation to the appointment
- Had a job interview or work which precluded them from keeping the appointment
- Other circumstances beyond his or her reasonable control

Federal Good Cause provisions include whether the participant:

- Acted in a manner that a reasonable prudent person would have acted under the same or similar circumstances
- Received timely notice of the need to act before the deadline passed
- Lacked reasonable control that prevented him or her from taking timely action to meet the deadline;
- Made sufficient effort to promptly seek an extension;
- Unable to physically take timely action to meet the deadline;
- Failed to meet a deadline due to:
  - a. Warning, instruction, or coercion by the employer that in any way prevented him or her from filing a timely application timely for TRA or to enroll in training;
  - b. Relying on misleading, incomplete, or erroneous advice provided by DLR or DLR failed to provide advice reasonably necessary for the protection of his or her entitlement to TRA;
  - c. Extenuating circumstances, including:
    - i. Neglect, a mistake, or administrative error by DLR;
    - ii. Illness or injury of the worker or an immediate family member;
    - iii. Natural disaster, such as earthquake, fire, or flood;
    - iv. Failure by the employer or delay in providing documentation (i.e., instructions, determination or notice, or other pertinent information);
    - v. Compelling personal affairs that could not reasonably be postponed (i.e., court appearance, administrative hearing or proceeding);
    - vi. Failure by DES to effectively communicate in the worker's native language if he or she is limited English proficient (LEP) ;
    - vii. Loss or unavailability of records due to fire, flood, theft, or similar reason. Documentation may include police, fire, or insurance report that contains the date of occurrence and extent of loss or damage.

***No Good Cause***

The Labor Program Specialist may determine good cause does not exist due to the participants own negligence, carelessness, or procrastination. In this case, a time limitation waiver may not be granted if the worker failed to meet the deadline to apply for TRA or enroll in training.

The TAA program follows the grievance process for all requests that is outlined on the Equal Opportunity form of the WIOA Policy Manual ([Form 2](#)) that is signed by all TAA participants. The grievance process will be provided to TAA participants when requested.

DOLETA TAA  
TEGL 5-15  
20CFR 617.22(a)(6)(iii)(A)-(C)